

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WILLIAM KIRLAND,

Plaintiff,

Civil Action No. C-1-02-0364

vs.

CHARLIE LUKEN, et al.,

Defendants.

Weber, J.
Novotny, M.J.

ORDER: (1) VACATING SHOW CAUSE ORDER (Doc. 27); (2) GRANTING PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEFENDANTS' SUMMARY JUDGMENT MOTION (Doc. 28); AND (3) DENYING PLAINTIFF'S MOTION TO UNSEAL STATE COURT CRIMINAL RECORDS (Doc. 28)

This matter is before the Court on plaintiff's *pro se* Response To The Order to Show Cause and plaintiff's Motion for an Extension of Time. (Doc. 27). On November 12, 2003, the Court Ordered plaintiff to show cause within fifteen days why defendants' motion for summary judgment (Doc. 18) should not be construed as unopposed and granted. (Doc. 27). A copy of the Show Cause Order was sent by certified mail to plaintiff's last known address, however, the return receipt was returned as undeliverable. (Doc. 27, unnumbered docket notation). The Show Cause Order was then sent to plaintiff's new address and plaintiff received the Show Cause Order on December 15, 2003. (Doc. 28).

On December 31, 2003, plaintiff filed a response to the Show Cause Order. (Doc. 28). Plaintiff is seeking an additional fourteen (14) days to respond to defendants' summary judgment motion. (Doc. 28). The Court finds that the Show Cause Order is satisfied and plaintiff is thereby permitted to file his memorandum in opposition to defendants' motion for summary judgment.

In addition, plaintiff is also seeking an Order from the Court unsealing the transcripts of the criminal State Court proceedings filed by defendant's with their motion for summary judgment. (Doc. 19, 20). However, plaintiff was a party to the State Court action in question, and therefore, he may obtain a copy of the transcripts directly from the State.

IT IS THEREFORE ORDERED THAT:

1. The Order to Show Cause (Doc. 27) is **VACATED**;
2. Plaintiff's Motion for an Extension of Time (Doc. 28) is **GRANTED**, and plaintiff is hereby **ORDERED** to file a memorandum in opposition to defendant's motion for summary judgment within fourteen (14) days of the filing date of this Order.
3. Plaintiff's motion to unseal the transcripts of the criminal state court proceeding (Doc. 28) filed with defendant's motion for summary judgment is **DENIED**.

DATE: January 6, 2004

s/ Susan M. Novotny
Susan M. Novotny
United States Magistrate Judge